HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 15599 of 2007

DATED: 23-07-2007

Between:

H.Md.Ayub

…Petitioner

and

APSRTC, rep. by VC & MD,
Musheerabad, Hyderabad and others

…Respondents.

HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 15599 of 2007

ORAL ORDER:

This writ petition is filed praying this Court to declare the action of the respondents in not paying the retirement benefits to the petitioner as illegal and arbitrary and further direct the respondents to pay all retirement benefits and other benefits forthwith with 18% interest.

The petitioner averred that he was appointed as Driver on 8-5-1978 in the respondent-Corporation. While he was working as Driver at Kurnool depot, the Depot Manager removed him from service by proceedings dated 4-9-1989 on some allegations. Questioning the same, the petitioner raised an Industrial Dispute before the Labour Court, Ananthapur vide I.D.No.261 of 1987 and the same was allowed by order dated 29-9-1989 with a direction to the respondents to reinstate him into service with continuity of service with 50% back wages and the same was confirmed in W.P.No.9538 of 1990 and W.A.No.377 of 1992. In pursuance of the Award of the Labour Court, the respondents by an order dated 25-1-1990 reinstated him into service and posted to Kandikotkur depot. Again by an order dated 19-4-2006 the Depot Manager kept the petitioner under suspension pending enquiry on the allegations of some cash and ticket irregularities and finally revoked his suspension by order dated 20-11-2006 and posted him to the 2nd respondent depot and further imposed punishment of treating his suspension period as not on duty for the purpose of leave, wages and increments and the above punishment has become final. The 2nd respondent by his letter dated 20-11-2006

sent the petitioner for medical examination before the APSRTC Medical Officer at Kurnool, but the Medical Officer by certificate dated 21-11-2006 declared him unfit for the post of A1 Driver on some medical grounds. The 2nd respondent without providing any employment and paying salaries as per Section 47 of the Persons with Disabilities Act, 1995 passed office order dated 25-4-2007 retiring him from service without payment of wages and providing alternative job. The actual date of retirement of the petitioner is 31-5-2007 but the respondents passed office order dated
25-4-2007 retiring him from service with immediate effect. It is further alleged that the petitioner has made an application on
31-5-2007 before the 2nd respondent requesting him to pay all his retirement and other benefits forthwith. The said application is pending consideration by the 2nd respondent.

Since the application of the petitioner dated 31-5-2007 seeking release of retirement and other benefits is said to be pending before the 2nd respondent, both the counsel for the petitioner and the learned Standing counsel agreed for the disposal of the writ petition with the following directions:

The 2nd respondent is directed to dispose of the application filed by the petitioner dated 31-5-2007 as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of with the above directions. There shall be no order as to costs.

N.V.RAMANA, J

23-07-2007
GRR